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Stamas, Birkholz legislation to protect residential care residents passes Senate

LANSING – Legislation designed to protect senior citizens and vulnerable individuals in residential care facilities was approved by the Senate Tuesday, said state Sens. Tony Stamas and Patty Birkholz.

"We must do everything in our power to help protect our most vulnerable residents who have the right to feel safe," said Stamas, R-Midland. "By passing these bills we can help ensure that people will be safer in the facilities they call home."

The two-bill package would require residential care facilities across the state to conduct criminal background checks of all potential employees, as well as obtain fingerprints on all current employees to be entered into a database.

Sponsored by Stamas and Birkholz, Senate Bills 621 and 622 would amend the Adult Foster Care Facility Licensing Act and the Public Health Code to restrict the individuals who have regular direct access or provide direct services to patients or adult foster care facility residents.

"We are continuing our promise to make Michigan a safe place to live by protecting those people who require daily living assistance," said Birkholz, R-Saugatuck Township. "This is similar to the legislation protecting children by requiring background checks for teachers and day-care providers it will be a major step forward to ensure peace of mind to those who leave their loved ones in the care of someone else."

Under SB 622 an individual cannot work, independently contract or be granted clinical privileges in an adult foster care facility if convicted of a felony, unless 15 years have lapsed since all terms and conditions of the sentence, parole and probation were completed. Employing individuals convicted of a misdemeanor involving drugs, abuse, neglect, assault, battery, criminal sexual conduct within the past 10 years would also be prohibited.

If signed into law, SB 621 would essentially do the same for health care facilities or agencies, including nursing homes, county medical care facilities, hospices, hospitals that provide swing bed services, homes for the aged and home health agencies.

The bills also establish penalties for licensees, owners, administrators or operators of a health facility that knowingly and willfully fails to conduct criminal history checks. Failure to conduct a background check could result in a misdemeanor punishable by imprisonment for up to a year or a fine of \$5,000.

Earlier this year Attorney General Mike Cox recently released the results of a study revealing that almost 10 percent of residential care employees have criminal backgrounds.

The study also revealed that since 2002, about 25 percent of the residential care facility employees who committed crimes against residents had past criminal convictions.

Approximately 100,000 Michigan residents receive care in one of about 5,000 residential care facilities across the state.

The legislation is now headed to the House of Representatives for consideration.

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